



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5144

Introduced 2/8/2012, by Rep. Jim Sacia

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Provides that it shall not be unlawful for any person to drive or operate certain non-highway vehicles on a county roadway or township roadway for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting. Provides that the mechanical equipment and mandatory insurance requirements that generally apply to non-highway vehicles when operated on a roadway do not apply to certain non-highway vehicles used for snow removal. Provides that if non-highway vehicles used for snow removal on a roadway are not covered under a motor vehicle insurance policy, the vehicles must be covered under a farm, home, or non-highway vehicle insurance policy. Provides that the non-highway vehicles used for snow removal on a county or township roadway at any time between one-half hour before sunset and one-half hour after sunrise must be equipped with head lamps and tail lamps, and the head lamps and tail lamps must be lighted. Provides that certain non-highway vehicles used for snow removal may not cross a toll road, interstate highway, or controlled access highway but may cross a State highway, municipal street, county highway, or road district highway if specified conditions are followed by the operator. Effective immediately.

LRB097 19249 HEP 64491 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 11-1426.1 as follows:

6 (625 ILCS 5/11-1426.1)

7 Sec. 11-1426.1. Operation of non-highway vehicles on  
8 streets, roads, and highways.

9 (a) As used in this Section, "non-highway vehicle" means a  
10 motor vehicle not specifically designed to be used on a public  
11 highway, including:

12 (1) an all-terrain vehicle, as defined by Section  
13 1-101.8 of this Code;

14 (2) a golf cart, as defined by Section 1-123.9;

15 (3) an off-highway motorcycle, as defined by Section  
16 1-153.1; and

17 (4) a recreational off-highway vehicle, as defined by  
18 Section 1-168.8.

19 (b) Except as otherwise provided in this Section, it is  
20 unlawful for any person to drive or operate a non-highway  
21 vehicle upon any street, highway, or roadway in this State. If  
22 the operation of a non-highway vehicle is authorized under  
23 subsection (d), the non-highway vehicle may be operated only on

1 streets where the posted speed limit is 35 miles per hour or  
2 less. This subsection (b) does not prohibit a non-highway  
3 vehicle from crossing a road or street at an intersection where  
4 the road or street has a posted speed limit of more than 35  
5 miles per hour.

6 (b-5) A person may not operate a non-highway vehicle upon  
7 any street, highway, or roadway in this State unless he or she  
8 has a valid driver's license issued in his or her name by the  
9 Secretary of State or by a foreign jurisdiction.

10 (c) Except as otherwise provided in subsection (c-5), no  
11 person operating a non-highway vehicle shall make a direct  
12 crossing upon or across any highway under the jurisdiction of  
13 the State, tollroad, interstate highway, or controlled access  
14 highway in this State.

15 (c-5) A person may make a direct crossing at an  
16 intersection controlled by a traffic light or 4-way stop sign  
17 upon or across a highway under the jurisdiction of the State if  
18 the speed limit on the highway is 35 miles per hour or less at  
19 the place of crossing.

20 (d) A municipality, township, county, or other unit of  
21 local government may authorize, by ordinance or resolution, the  
22 operation of non-highway vehicles on roadways under its  
23 jurisdiction if the unit of local government determines that  
24 the public safety will not be jeopardized. The Department may  
25 authorize the operation of non-highway vehicles on the roadways  
26 under its jurisdiction if the Department determines that the

1 public safety will not be jeopardized. The unit of local  
2 government or the Department may restrict the types of  
3 non-highway vehicles that are authorized to be used on its  
4 streets.

5 Before permitting the operation of non-highway vehicles on  
6 its roadways, a municipality, township, county, other unit of  
7 local government, or the Department must consider the volume,  
8 speed, and character of traffic on the roadway and determine  
9 whether non-highway vehicles may safely travel on or cross the  
10 roadway. Upon determining that non-highway vehicles may safely  
11 operate on a roadway and the adoption of an ordinance or  
12 resolution by a municipality, township, county, or other unit  
13 of local government, or authorization by the Department,  
14 appropriate signs shall be posted.

15 If a roadway is under the jurisdiction of more than one  
16 unit of government, non-highway vehicles may not be operated on  
17 the roadway unless each unit of government agrees and takes  
18 action as provided in this subsection.

19 (e) No non-highway vehicle may be operated on a roadway  
20 unless, at a minimum, it has the following: brakes, a steering  
21 apparatus, tires, a rearview mirror, red reflectorized warning  
22 devices in the front and rear, a slow moving emblem (as  
23 required of other vehicles in Section 12-709 of this Code) on  
24 the rear of the non-highway vehicle, a headlight that emits a  
25 white light visible from a distance of 500 feet to the front, a  
26 tail lamp that emits a red light visible from at least 100 feet

1 from the rear, brake lights, and turn signals. When operated on  
2 a roadway, a non-highway vehicle shall have its headlight and  
3 tail lamps lighted as required by Section 12-201 of this Code.

4 (f) A person who drives or is in actual physical control of  
5 a non-highway vehicle on a roadway while under the influence is  
6 subject to Sections 11-500 through 11-502 of this Code.

7 (g) Any person who operates a non-highway vehicle on a  
8 street, highway, or roadway shall be subject to the mandatory  
9 insurance requirements under Article VI of Chapter 7 of this  
10 Code.

11 (h) It shall not be unlawful for any person to drive or  
12 operate a non-highway vehicle, as defined in paragraphs (1) and  
13 (4) of subsection (a) of this Section, on a county roadway or  
14 township roadway for the purpose of conducting farming  
15 operations to and from the home, farm, farm buildings, and any  
16 adjacent or nearby farm land.

17 Non-highway vehicles, as used in this subsection (h), shall  
18 not be subject to subsections (e) and (g) of this Section.  
19 However, if the non-highway vehicle, as used in this Section,  
20 is not covered under a motor vehicle insurance policy pursuant  
21 to subsection (g) of this Section, the vehicle must be covered  
22 under a farm, home, or non-highway vehicle insurance policy  
23 issued with coverage amounts no less than the minimum amounts  
24 set for bodily injury or death and for destruction of property  
25 under Section 7-203 of this Code. Non-highway vehicles operated  
26 on a county or township roadway at any time between one-half

1 hour before sunset and one-half hour after sunrise must be  
2 equipped with head lamps and tail lamps, and the head lamps and  
3 tail lamps must be lighted.

4 Non-highway vehicles, as used in this subsection (h), shall  
5 not make a direct crossing upon or across any tollroad,  
6 interstate highway, or controlled access highway in this State.

7 Non-highway vehicles, as used in this subsection (h), shall  
8 be allowed to cross a State highway, municipal street, county  
9 highway, or road district highway if the operator of the  
10 non-highway vehicle makes a direct crossing provided:

11 (1) the crossing is made at an angle of approximately  
12 90 degrees to the direction of the street, road or highway  
13 and at a place where no obstruction prevents a quick and  
14 safe crossing;

15 (2) the non-highway vehicle is brought to a complete  
16 stop before attempting a crossing;

17 (3) the operator of the non-highway vehicle yields the  
18 right of way to all pedestrian and vehicular traffic which  
19 constitutes a hazard; and

20 (4) that when crossing a divided highway, the crossing  
21 is made only at an intersection of the highway with another  
22 public street, road, or highway.

23 (h-5) It shall not be unlawful for any person to drive or  
24 operate a non-highway vehicle, as defined in paragraphs (1) and  
25 (4) of subsection (a) of this Section, on a county roadway or  
26 township roadway for the purpose of removing snow or ice from a

1 roadway by plowing, sanding, or salting.

2 Non-highway vehicles, as used in this subsection (h-5),  
3 shall not be subject to subsections (e) and (g) of this  
4 Section. However, if the non-highway vehicle is not covered  
5 under a motor vehicle insurance policy pursuant to subsection  
6 (g) of this Section, the vehicle must be covered under a farm,  
7 home, or non-highway vehicle insurance policy issued with  
8 coverage amounts no less than the minimum amounts set for  
9 bodily injury or death and for destruction of property under  
10 Section 7-203 of this Code. Non-highway vehicles operated on a  
11 county or township roadway at any time between one-half hour  
12 before sunset and one-half hour after sunrise must be equipped  
13 with head lamps and tail lamps, and the head lamps and tail  
14 lamps must be lighted.

15 Non-highway vehicles as used in this subsection (h-5) shall  
16 not make a direct crossing upon or across any tollroad,  
17 interstate highway, or controlled access highway in this State.

18 Non-highway vehicles as used in this subsection (h-5) shall  
19 be allowed to cross a State highway, municipal street, county  
20 highway, or road district highway if the operator of the  
21 non-highway vehicle makes a direct crossing provided:

22 (1) the crossing is made at an angle of approximately  
23 90 degrees to the direction of the street, road, or highway  
24 and at a place where no obstruction prevents a quick and  
25 safe crossing;

26 (2) the non-highway vehicle is brought to a complete

1           stop before attempting a crossing;

2           (3) the operator of the non-highway vehicle yields the  
3           right of way to all pedestrian and vehicular traffic which  
4           constitutes a hazard; and

5           (4) that when crossing a divided highway, the crossing  
6           is made only at an intersection of the highway with another  
7           public street, road, or highway.

8           (i) No action taken by a unit of local government under  
9           this Section designates the operation of a non-highway vehicle  
10          as an intended or permitted use of property with respect to  
11          Section 3-102 of the Local Governmental and Governmental  
12          Employees Tort Immunity Act.

13          (Source: P.A. 96-279, eff. 1-1-10; 96-1434, eff. 8-11-10;  
14          97-144, eff. 7-14-11.)

15          Section 99. Effective date. This Act takes effect upon  
16          becoming law.